

*Town of Fenwick Island, DE  
Wednesday, August 1, 2018*

## Chapter 61. Building and Utility Construction

### Article I. Building Permits

#### § 61-3. Issuance of permits.

- A. The Building Official shall review the plans for complete compliance with all Town ordinances or other applicable requirements. He may discuss the plans with the owner or agent for clarification of any part of the plans and point out necessary changes for compliance or possible reasons for disapproval. The Building Official shall submit his recommendation for approval or disapproval to the Building Committee, setting forth the reasons for his recommendation.
- B. Any new construction costing less than \$20,000 may be approved and the building permit issued by the Building Official without submitting the building permit application to the Building Committee for approval. Any additions, alterations or renovations of existing structures which do not change the horizontal dimensions, roof peak height or flood zone elevation requirements of the existing structure may be approved and a building permit issued by the Building Official without submitting the building permit application to the Building Committee for approval.  
[Amended 12-16-1989; 9-29-1995; 10-31-2003]
- C. The Building Committee will instruct the Building Official to issue the permit, if approved. Signatures of at least two members of the Building Committee are required for approval.
- D. If disapproved, the owner may appear before the Town Board of Adjustments for a variance or appeal (procedures in Chapter 160, Zoning, § 160-10).
- E. The Building Official shall see that the building conforms in all respects to the provisions of Chapter 160, Zoning, and/or other applicable ordinances.  
[Amended 1-31-1992; 11-21-1997]
  - (1) Mercantile licenses. After a building permit has been issued, the Building Official shall see that the general contractor and all subcontractors and artisans involved in the work have the proper mercantile licenses.
  - (2) Stop-work orders. Stop-work orders are issued by the Building Official of the Town of Fenwick Island as follows:
    - (a) On any work that is contrary to the provisions of this chapter, Chapter 160, Zoning, other applicable ordinances and/or a building permit, or on any work being performed in an unsafe or dangerous manner. All such work shall be stopped immediately upon issuance of a written or oral stop-work order.
    - (b) Where no emergency exists, notice shall be in writing, presented to the owner or his agent or to the person performing the work.

- (c) Where an emergency exists, no written statement shall be required to be given by the Building Official. A conforming written notice shall follow as soon as practicable.
  - (d) A stop-work order will remain in effect until the required remedies have been met to the Building Official's satisfaction or until an appeal to Town Council results in a dismissal of the stop-work order.
  - (e) The Building Official may issue a stop-work order to anyone found working without a proper building permit or mercantile license.
  - (f) If necessary, the Building Official may enlist the assistance of the Town Police Department in enforcing any stop-work order.
- F. Prior to occupancy and issuance of a certificate of compliance, it is the duty of the Building Official to inspect all buildings for which building permits have been issued, when the building has been completed, to certify that all provisions of this article and Chapter **88**, Flood Damage Prevention, have been complied with. The Building Official shall issue a certificate of compliance upon satisfactory completion of this inspection.  
[Amended 9-29-1995]
- G. Any permit shall require a "Certificate of Compliance" with all ordinances and regulations of the Town from the Building Official before additional permits are approved.  
[Added 5-23-2008]